

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 872**

**Introduced by Assembly Member Strickland**

February 20, 2003

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An act to ~~amend Section 22349 of~~ *add Section 22358.2 to* the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 872, as amended, Strickland. Vehicles: speed limits: divided urban highways.

*Existing law authorizes a local authority to decrease the speed limit of 65 miles per hour on any street other than a state highway where that speed limit is applicable, if the local authority determines upon the basis of an engineering and traffic survey that the 65 mile-per-hour speed limit is not reasonable or safe.*

*Existing law requires an engineering and traffic survey to include, among other requirements deemed necessary by the Department of Transportation, consideration of prevailing speeds, as determined by traffic engineering measurements, accident records, and highway, traffic, and roadside conditions not readily apparent to the driver.*

*Existing law authorizes a local authority, when conducting an engineering and traffic survey, to consider residential density, under certain conditions, and pedestrian and bicyclist safety, in addition to the factors specified above.*

*This bill would authorize a local authority, when conducting an engineering and traffic survey for the purpose of establishing a speed limit on an urban, divided, and restricted access arterial highway, as*

*defined, to consider residential density, under certain conditions, and pedestrian and bicyclist safety, in addition to the factors in existing law specified above.*

~~(1) Existing law prohibits any person from driving a vehicle upon a 2-lane, undivided highway at a speed greater than 55 miles per hour unless that highway, or portion thereof, has been posted for a higher speed by the Department of Transportation or appropriate local agency upon the basis of an engineering and traffic survey.~~

~~This bill would prohibit any person from driving a vehicle upon an urban, divided, and restricted access arterial highway, as defined, at a speed greater than 45 miles per hour unless that highway, or portion thereof, has been posted for a higher speed by the Department of Transportation upon the basis of an engineering and traffic survey, or by an appropriate local agency upon the basis of an engineering and traffic survey, after the local agency, giving consideration to local conditions and factors, has made specific findings that a higher speed is safe.~~

~~Because a violation of the specified speed limit would be a crime under other provisions of existing law, the bill would impose a state-mandated local program by creating a new crime.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 22349 of the Vehicle Code is amended~~
- 2 *SECTION 1. Section 22358.2 is added to the Vehicle Code, to*
- 3 *read:*
- 4 *22358.2. (a) When conducting an engineering and traffic*
- 5 *survey for the purpose of establishing a speed limit on an urban,*
- 6 *divided, and restricted access arterial highway, a local authority*
- 7 *may consider all of the following, in addition to the factors set forth*
- 8 *in subdivision (b) of Section 627:*

1     (1) Residential density, if any of the following conditions exist  
2     on the particular portion of highway and the property contiguous  
3     thereto, other than a business district:

4     (A) Upon one side of the highway, within a distance of a quarter  
5     of a mile, the contiguous property fronting thereon is occupied by  
6     13 or more separate dwelling houses or business structures.

7     (B) Upon both sides of the highway, collectively, within a  
8     distance of a quarter of a mile, the contiguous property fronting  
9     thereon is occupied by 16 or more separate dwelling houses or  
10    business structures.

11    (C) The portion of highway is longer than one-quarter of a mile  
12    but has the ratio of separate dwelling houses or business structures  
13    to the length of the highway described in either subparagraph (A)  
14    or (B).

15    (2) Pedestrian and bicyclist safety.

16    (b) For purposes of this section, an “urban, divided, and  
17    restricted access arterial highway” is a highway that is located  
18    within the incorporated boundary of an city, is designed as part of  
19    an arterial highway system, is used by through traffic on a  
20    continuous route, has separate roadbeds for traffic in opposing  
21    directions, has spaced intersections at grade, and has no direct  
22    vehicle access to abutting property.

23    to read:

24    ~~22349. (a) Except as provided in Section 22356, a person~~  
25    ~~may not drive a vehicle upon a highway at a speed greater than 65~~  
26    ~~miles per hour.~~

27    ~~(b) Notwithstanding any other provision of law, a person may~~  
28    ~~not drive a vehicle upon a two-lane, undivided highway at a speed~~  
29    ~~greater than 55 miles per hour unless that highway, or portion~~  
30    ~~thereof, has been posted for a higher speed by the Department of~~  
31    ~~Transportation or appropriate local agency upon the basis of an~~  
32    ~~engineering and traffic survey. For purposes of this subdivision,~~  
33    ~~the following apply:~~

34    ~~(1) A two-lane, undivided highway is a highway with not more~~  
35    ~~than one through lane of travel in each direction.~~

36    ~~(2) Passing lanes may not be considered when determining the~~  
37    ~~number of through lanes.~~

38    ~~(c) (1) Notwithstanding any other provision of law, a person~~  
39    ~~may not drive a vehicle upon an urban, divided, and restricted~~  
40    ~~access arterial highway at a speed greater than 45 miles per hour~~

1 ~~unless that highway, or portion thereof, has been posted for a~~  
2 ~~higher speed by the Department of Transportation upon the basis~~  
3 ~~of an engineering and traffic survey, or by an appropriate local~~  
4 ~~agency upon the basis of an engineering and traffic survey, after~~  
5 ~~the local agency, giving consideration to local conditions and~~  
6 ~~factors, has made specific findings that a higher speed is safe.~~

7 ~~(2) For purposes of paragraph (1), an ‘urban, divided, and~~  
8 ~~restricted access arterial highway’ is a highway that is located~~  
9 ~~within the incorporated boundary of an city, is designed as part of~~  
10 ~~an arterial highway system, is used by through traffic on a~~  
11 ~~continuous route, has separate roadbeds for traffic in opposing~~  
12 ~~directions, has spaced intersections at grade, and does not have~~  
13 ~~direct vehicle access to abutting property.~~

14 ~~(d) It is the intent of the Legislature that there be reasonable~~  
15 ~~signing on affected two-lane, undivided highways described in~~  
16 ~~subdivision (b) in continuing the 55 miles-per-hour speed limit,~~  
17 ~~including placing signs at county boundaries to the extent possible,~~  
18 ~~and at other appropriate locations.~~

19 ~~SEC. 2.—No reimbursement is required by this act pursuant to~~  
20 ~~Section 6 of Article XIII B of the California Constitution because~~  
21 ~~the only costs that may be incurred by a local agency or school~~  
22 ~~district will be incurred because this act creates a new crime or~~  
23 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
24 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
25 ~~the Government Code, or changes the definition of a crime within~~  
26 ~~the meaning of Section 6 of Article XIII B of the California~~  
27 ~~Constitution.~~